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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/664,674
Filing Date: September 18, 2003
Appellant(s): KUMMER ET AL.

Brian A. Lemm
(Reg. No. 43,748)
For Appellant

MAILED

DEC 20 2007

GROUP 3600

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/11/07 appealing from the Office action mailed 6/5/07.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,072,397	BARNS-SLAVIN ET AL.	12-1991
2003/0037008	RAJU ET AL.	2-2003

6,643,694

CHERNIN

11-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barns-Slavin et al., U.S. Patent No. 5,072,397 in view of Raju et al., U.S. Publication No. 2003/0037008 and further in view of Chernin, U.S. Patent No. 6,643,694.

3. As per claim 1, Barns-Slavin teaches a method for processing one or more mail pieces, comprising: a postage amount to be applied to one or more mail pieces (Barns-Slavin: column 3, lines 5-10; Input information (carrier/class selection) received from a user is used to determine a postage amount applied to a mailpiece.); stored information including one or more rate tables for one or more classes of service (Barns-Slavin: column 2, lines 58-63; The rate table corresponding to the user's input information is searched and selected from memory.); displaying said one or more classes of service to said user (Barns-Slavin: column 5, lines 6-9); receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service (Barns-Slavin: column 4, line 68 – column 5, lines 1-14); applying said postage amount to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and storing transaction information for each of said one or more mail pieces, said

transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10).

4. Barns-Slavin does not teach receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, if no class of service having a postage rate that matches said postage amount is found, displaying an error message, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user.

5. Raju teaches receiving a postage amount entered by a user (Raju: paragraphs 0080 and 0083), searching stored information having a postage rate that matches said postage amount (Raju: paragraph 0083 – The Examiner interprets the step of selecting a postage rate class to include searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount.), and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user (Raju: paragraphs 0080 and 0083).

6. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin to have included receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

7. Barns-Slavin in view of Raju does not teach if no class of service having a postage rate that matches said postage amount is found, displaying an error message.

8. Chernin teaches displaying an error message if no matches have been found (Chernin: column 15, lines 47-49).

9. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju to have included if no class of service having a postage rate that matches said postage amount is found, displaying an error message as taught by Chernin for the advantage of notifying a user when there is an error in the input data.

10. As per claim 2, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Barns-Slavin further teaches wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4 and column 4, lines 47-58), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10, The Examiner interprets account information to include weight information.).

11. As per claim 3, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 2 as described above. Barns-Slavin further teaches the displaying step further comprising displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21).

12. As per claim 4, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 2 as described above. Barns-Slavin further teaches the selected class of service

and said weight for said selected class of service are applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-9).

13. As per claim 5, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Raju further teaches wherein after said postage amount is received, said method further comprises prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, and proceeding to said searching step only if said user provides an indication of said desire (Raju: paragraphs 0080 and 0083 – The Examiner interprets the step of clicking on the corresponding postage rate class menu button to be indicating a desire to associate the postage amount with a class of service.).

14. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju and further in view of Chernin to have included wherein after said postage amount is received, said method further comprises prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, and proceeding to said searching step only if said user provides an indication of said desire as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

15. As per claim 6, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Barns-Slavin further teaches said selected class of service is applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10).

16. As per claim 7, Barns-Slavin in view of Raju and further in view of Chernin teaches the method of claim 1 as described above. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13).

17. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Barns-Slavin in view of Raju and further in view of Chernin to have included one or more mail pieces comprising a batch of mail pieces as taught by Raju for the advantage of saving time by processing postage for multiple mailpieces at the same time.

18. As per claim 8, Barns-Slavin teaches a mail processing system, comprising: a metering/printing module for applying postage values to one or more mail pieces (Barns-Slavin: Figure 2, "24" and "28"); a display (Barns-Slavin: Figure 2, "15"); a central processing unit controlling operation of said metering/printing module and said display (Barns-Slavin: Figure 2, "20"); and a memory storing information including one or more rate tables and software executable by said central processing unit (Barns-Slavin: Figure 2, "21" and "22"), said software including instructions for (Barns-Slavin: column 2, lines 55-58): a postage amount to be applied to one or more mail pieces (Barns-Slavin: column 3, lines 5-10; Input information (carrier/class selection) received from a user is used to determine a postage amount applied to a mailpiece.); stored information including one or more rate tables for one or more classes of service (Barns-Slavin: column 2, lines 58-63; The rate table corresponding to the user's input information is searched and selected from memory.); displaying said one or more classes of service to said user (Barns-Slavin: column 5, lines 6-9); (e) receiving a selected class of service, said selected class of service being selected by said user from said displayed one or more classes of service (Barns-Slavin: column 4, line 68 - column 5, lines 1-14); (f) causing said metering/printing module to apply said postage amount to one of said one or more mail pieces or a tape to be applied to said one or more mail pieces (Barns-Slavin: column 3, lines 5-10); and (g) storing transaction

information for each of said one or more mail pieces, said transaction information including said postage amount and said selected class of service (Barns-Slavin: column 3, lines 9-10).

19. Barns-Slavin does not teach (a) receiving a postage amount entered by a user, (b) searching stored information having a postage rate that matches said postage amount, (c) if no class of service having a postage rate that matches said postage amount is found, displaying an error message, and (d) if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display.

20. Raju teaches receiving a postage amount entered by a user (Raju: paragraphs 0080 and 0083), searching stored information having a postage rate that matches said postage amount (Raju: paragraph 0083 - The Examiner interprets the step of selecting a postage rate class to include searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount.), and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display (Raju: paragraphs 0080 and 0083).

21. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin to have included receiving a postage amount entered by a user, searching stored information having a postage rate that matches said postage amount, and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said display as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

22. Barns-Slavin in view of Raju does not teach if no class of service having a postage rate that matches said postage amount is found, displaying an error message.

23. Chernin teaches displaying an error message if no matches have been found (Chernin: column 15, lines 47-49).

24. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju to have included if no class of service having a postage rate that matches said postage amount is found, displaying an error message as taught by Chernin for the advantage of notifying a user when there is an error in the input data.

25. As per claim 9, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Barns-Slavin further teaches wherein said displayed one or more classes of service each have a weight that corresponds to said postage amount (Barns-Slavin: Figure 4 and column 4, lines 47-58), said transaction information further including said weight for said selected class of service (Barns-Slavin: column 3, lines 9-10, The Examiner interprets account information to include weight information.).

26. As per claim 10, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 9 as described above. Barns-Slavin further teaches said instructions for displaying further comprising instructions for displaying each of said weights along with said one or more classes of service (Barns-Slavin: column 5: lines 8-21).

27. As per claim 11, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches one or more mail pieces comprising a batch of mail pieces (Raju: Figure 13).

28. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included one or more mail pieces comprising a batch of mail pieces as taught by Raju for the advantage of saving time by processing postage for multiple mailpieces at the same time.

29. As per claim 12, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches said software further including instructions for after receiving said postage amount, prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, said central processing unit executing instructions (b) through (g) only if said user provides an indication of said desire (Raju: paragraphs 0080 and 0083 - The Examiner interprets the step of clicking on the corresponding postage rate class menu button to be indicating a desire to associate the postage amount with a class of service.).

30. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included said software further including instructions for after receiving said postage amount, prompting said user to indicate a desire to associate said postage amount with one of said one or more classes of service, said central processing unit executing instructions (b) through (g) only if said user provides an indication of said desire as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

31. As per claim 13, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Raju further teaches an input device for enabling said user to enter said postage amount (Raju: paragraphs 0080 and 0083) and choose said selected class of service (Raju: paragraphs 0080 and 0083).

32. It would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to have modified the system of Barns-Slavin in view of Raju and further in view of Chernin to have included an input device for enabling said user to enter said postage amount and choose said selected class of service as taught by Raju for the advantage of providing a custom option that would recognize a user-specified input (Raju: paragraph 83, lines 1-4).

33. As per claim 14, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 8 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service to one of said one or more mail pieces (Barns-Slavin: column 2, lines 66-68 – column 3, lines 1-10).

34. As per claim 15, Barns-Slavin in view of Raju and further in view of Chernin teaches the system of claim 9 as described above. Barns-Slavin further teaches instructions for causing said metering/printing module to apply said selected class of service and said weight for said selected class of service to one of said one or more mail pieces (Barns-Slavin: Figure 4 and column 2, lines 66-68 – column 3, lines 1-10).

(10) Response to Argument

1. Applicant argues, "The system in Raju does not perform any type of searching of any information including one or more rate tables for one or more classes of service having a postage rate that matches the postage amount."

The Examiner disagrees. It is noted that that Barns-Slavin in view of Raju in combination teach the above-mentioned searching limitation.

Barns-Slavin teaches searching stored rate tables (Barns-Slavin: col. 2, lines 58-63; col. 3, lines 47-52; The rate table corresponding to the user's input information is searched, selected from memory, and used to calculate the shipping charges for a parcel.).

Raju is directed to a method and system for creating a sheet of custom postage stamps based on user specified values (Raju: paragraphs 0006-0007; 0010). Raju teaches a user inputs any amount of postage up to a maximum limit (Raju: paragraphs 0077; 0080; 0083) and selects a corresponding postage rate class from a drop down menu via an interface (Raju: Fig. 11, "1180", Fig. 13, "1123-11"; paragraphs 0078; 0080; 0083). The user is searching through one or more rate classes in the drop down menu prior to selecting a corresponding rate class that matches the entered postage amount. Thus, Barns-Slavin teaches searching stored information including one or more rate tables for one or more classes of service and Raju teaches searching one or more classes of service having a postage rate that matches the user's entered postage amount. The combination of Barns-Slavin in view of Raju teaches the searching limitation as recited in claim

1.

2. Applicant submits the user manually selecting a postage amount and then manually selecting a postage class is not the same as searching rate tables for one or more classes of services having a postage rate that matches the postage amount. However, independent claim 1

does not specify who or what performs the searching step. Thus, the searching step can be performed manually from the plain meaning of the claim language. Moreover, claims must be given their broadest reasonable meaning in their ordinary usage as they would be understood by one of ordinary skill in the art. See *In re Morris*, 44 USPQ2d 1023 (Fed. Cir. 1997), *In re Zletz*, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989) (During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow), and *In re Pearson*, 181 USPQ 641 (CCPA 1974) (Claims in a pending application should be given their broadest possible interpretation).

3. Applicant submits, "In Raju, the user can select any class of service, even if the selected class of service does not support the input postage rate." However, this statement is irrelevant to the issue at hand. As described above, claims must be given their broadest reasonable meaning. Claim 1 recites searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount. Barns-Slavin teaches searching stored information including one or more rate tables for one or more classes of service and Raju teaches the user searches and selects a corresponding rate class that matches a previously entered postage amount. Even if Applicant's statement has a basis, it is noted that in selecting a corresponding rate class, Raju implies that a user would not select an invalid postage amount and postage rate class combination. It is the goal of the user to mail a package, which would deter the user from selecting an invalid postage amount and rate class combination.

4. Applicant submits, "There is no disclosure, teaching or suggestion in Chernin of "searching stored information including one or more rate tables for one or more classes of service having a postage rate that matches said postage amount; if no class of service having a

postage rate that matches said postage amount is found, displaying an error message; if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user” as recited in claim 1.” The Examiner notes, Barns-Slavin teaches searching stored information including one or more rate tables for one or more classes of service as described above. Raju teaches searching one or more classes of service having a postage rate that matches the user's entered postage amount and if one or more classes of service having a postage rate that matches said postage amount is found, displaying said found one or more classes of service to said user (Raju: Fig. 11, “1180”, Fig. 13, “1123-11”; paragraphs 0078; 0080; 0083 – Classes of service having a postage rate that matches said postage amount are displayed in the drop down menu.). Chernin is relied upon only to teach the well known technique of displaying an error message when no matches are found in a search query (Chernin: col. 15, lines 47-49). This notifies a user when there is a problem with the search query. It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of displaying an error message when no matches are found in a search query as taught by Chernin, to improve the mail processing system of Barns-Slavin in view of Raju, for the predictable result of notifying the user when there is a problem with the search query (i.e., there is no class of service having a postage rate that matches said postage amount). It is the combination of Barns-Slavin in view of Raju and further in view of Chernin that discloses the above-mentioned limitation.

5. Applicant's arguments for independent claim 8 are substantially similar to those of claim 1 and are addressed above.

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(11) Related Proceeding(s) Appendix

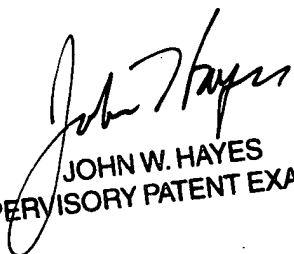
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,




Eric Liou
Patent Examiner
Art Unit 3628



JOHN W. HAYES
SUPERVISORY PATENT EXAMINER

Conferees:



Vincent Millin (Appeal Conference Specialist)

Igor Borissov (Primary Examiner)

